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VIA ELECTRONIC FILING

The Honorable Loretta A. Preska
United States District Court
Southern District of New York
500 Pearl Street, Room 2220
New York, New York 10007

Re: Gibb v. Tapestry, Inc.; Civil Case No. 18 Civ. 06888 (LAP)

Dear Judge Preska,

We represent Plaintiff Thomas Gibb in the above-referenced matter and write to request a conference regarding Defendant Tapestry, Inc.'s motion to dismiss, which we believe is now moot. By way of brief background, this is an employment discrimination action under Title VII as well as under state and city law. In sum, Defendant moved to dismiss Plaintiff's Complaint on grounds that the Right to Sue issued by the EEOC was defective because the EEOC did not either (i) issue a "dismissal" of the charge or (ii) wait 180 days before issuing the Right to Sue. Although we disagree with Defendant's arguments, out of an abundance of caution we re-filed a charge with the EEOC setting forth the relevant allegations, and the EEOC formally issued a "dismissal." Accordingly, as one of the conditions precedent that Defendant claims are necessary has now been met, the motion should be rendered moot. We shall also be amending the Complaint to include additional claims which Defendant previously agreed could be removed from state court and included in this federal action. Based on this information, we asked Defendant's counsel for confirmation that the motion to dismiss would be withdrawn, but they have stated they are "not inclined to withdraw [their] motion." We respectfully request a conference (in-person or by telephone) to address this matter as our opposition to Defendant's motion to dismiss is otherwise due Friday, September 21.

Respectfully submitted,



David E. Gottlieb

cc: Counsel of record (via ECF)